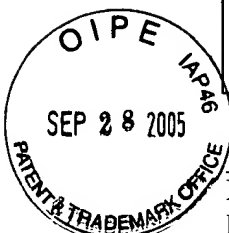


DAE
JFW



I hereby certify under 37 CFR §1.10 that this paper and any other attachments referred to therein are being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9/27/05

Signature:

Dawn C. Greenaway

Docket No. GTC-40
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Li How Chen *et al.*

Application No.: 09/175,683

Filed: October 20, 1998

Group No.: 1635

For: NOVEL MODIFIED NUCLEIC ACID
SEQUENCES AND METHODS FOR
INCREASING mRNA LEVELS & PROTEIN
EXPRESSION IN CELL SYSTEMS

Examiner: Richard A. Schnizer

RENEWED PETITION FOR REVIVAL UNDER 37 CFR 1.137(B)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OIPE/IAP
OCT 05 2005

Dear Sir:

In response to the dismissed petition issued by the Office of Petitions on September 20, 2005, enclosed is a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (2 pp.); Submission of Corrected Formal Drawings (1 pg.); and Corrected Formal Drawings (16 sheets, Figs. 1 through 13).

The above-identified application became abandoned on April 11, 2005 for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office.

A decision on the petition under 37 CFR 1.137(b) filed June 24, 2005, to revive the above-identified application was dismissed on July 28, 2005 because the drawings provided with the petition were deemed unacceptable by the Draftsperson.

On July 22, 2005 Applicant filed a second petition under 37 CFR 1.137(b) to revive the above-identified application and the petition was again dismissed on September 20, 2005 because drawings 1-3B, 5A, 11 and 13 were deemed unacceptable by the Draftsperson. On September 26, 2005 Dawn Greenaway left a message for Draftsperson Joshua Chase regarding what was specifically required in order to correct these drawings and in order to obtain approval to fax a copy of corrected drawings 1-3B, 5A, 11 and 13 for his review and approval prior to



09-28-2005

formally submitting the drawings with the attached Petition for Revival. On September 26, 2005 Mr. Chase returned Ms. Greenaway's call advising her to email the corrected versions of the drawings to him for review. The corrected drawings were emailed to Mr. Chase on September 26, 2005. Mr. Chase then responded to Ms. Greenaway's email message advising her to remove "Panel A" and "Panel B" from the figure legend of Figure 5 and to place "Figure 5A" and "Figure 5B" below the respective figures. A copy of the email exchange between Ms. Greenaway and Mr. Chase is attached hereto. As such, Applicant has corrected Figures 5A and 5B as suggested, as well as corrected Figures 1-3B, 11 and 13 as advised in the Notice of Draftsperson's Patent Drawing Review dated September 19, 2005. Applicant understands that the formal figures are now in condition for approval by the Draftsperson and as a result the above-identified application will be in condition for revival. Applicants respectfully request reconsideration of the Renewed Petition for Revival.

Applicant takes this opportunity to point out to the Commissioner that the issue fee was paid for this application on January 21, 2005.

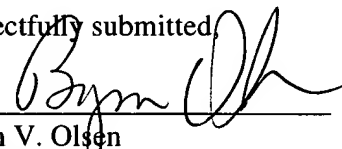
Other than the \$750 small entity fee in connection with the Petition for Revival, Applicant believes no other fee is due with this statement. However, if additional fees are due, please charge our Deposit Account No. 502092, from which the undersigned is authorized to draw.

Dated:

9/27/05

Respectfully submitted,

By



Byron V. Olsen

Registration No.: 42,960

GTC Biotherapeutics, Inc.

175 Crossing Blvd., Suite 410

Framingham, MA 01702

Tel.: (508) 370-5150

Fax (508) 370-3797

Attorney/Agent For Applicant

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

GTC-40

First named inventor: Li How Chen

Application No.: 09/175,683

Art Unit: 1635

Filed: October 20, 1998

Examiner: Richard A. Schnizer

Title: NOVEL MODIFIED NUCLEIC ACID SEQUENCES AND METHODS FOR
INCREASING mRNA LEVELS & PROTEIN EXPRESSION IN CELL SYSTEMS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Renewed Petition Under 37 CFR 1.137(b) (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 700.00

- ☒ has been paid previously on January 21, 2005
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

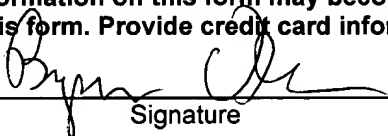
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


 Signature

9/27/05
 Date

Byron V. Olsen
 Typed or printed name

42,960
 Registration Number, if applicable

GTC Biotherapeutics, Inc.
 Address

(508) 370-5150
 Telephone Number

175 Crossing Blvd., Framingham, Ma 0170
 Address

- Enclosures: ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Submission of Corrected Formal Drawings

 CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR ~~1.6~~¹¹⁰]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class mail~~ in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

9/27/05
 Date


 Signature

Dawn C. Greenaway
 Typed or printed name of person signing certificate



Greenaway, Dawn

From: Greenaway, Dawn
Sent: Monday, September 26, 2005 3:16 PM
To: 'Chase, Joshua'
Cc: Greenaway, Dawn
Subject: RE: GTC-40 - Corrected Drawings

Thank you very much.
Regards,
Dawn Greenaway

Dawn C. Greenaway
Sr. Patent Paralegal
GTC Biotherapeutics, Inc.
175 Crossing Blvd., Suite 410
Framingham, MA 01702
V: (508) 370-5262
F: (508) 370-3797
dawn.greenaway@gtc-bio.com

-----Original Message-----

From: Chase, Joshua [mailto:Joshua.Chase@USPTO.GOV]
Sent: Monday, September 26, 2005 1:37 PM
To: Greenaway, Dawn
Subject: RE: GTC-40 - Corrected Drawings

Hi Dawn.

The only problem that I can see is with the labeling of Fig. 5a, 5b. Remove the panel A, panel B from the figure legend and place Fig. 5A, and Fig. 5B below the figures as you did in the other figures.

*Joshua D. Chase
Engineering Draftsmen
(703)305-0333 ext: 138*

-----Original Message-----

From: Greenaway, Dawn [mailto:Dawn.Greenaway@GTC-BIO.COM]
Sent: Monday, September 26, 2005 12:05 PM
To: Chase, Joshua
Cc: Greenaway, Dawn
Subject: GTC-40 - Corrected Drawings

Dear Mr. Chase,

Thank you for your voicemail left earlier this morning concerning US Application No. 09/175,683.

Attached for your review please find draft corrected drawings 1-3B, 5A, 11 and 13.

With regard to drawings 1-3B and 11, I have enlarged the figures as requested making the numbers, letters and reference characters more legible. I believe these enlargements will make these specific

9/26/2005

drawings acceptable.

With regard to drawings 5A and 13, please note that each of these drawings are gels and/or blots and as such the numbers and reference characters in the drawings are as legible and clear as they are going to get. You will see that we have typed in the words and/or numbers referenced within each drawing, either above or to the side of each reference legend. We believe the typed in words/numbers are legible and plain. If the attached drawings are not acceptable, please advise with regard to how we can specifically correct these drawings to your liking.

If the attached corrected drawings are now acceptable to you, please advise ASAP and I will proceed with preparing and filing our formal submission. (Please keep in mind that the formal submission of the drawings will be much better quality than the attached PDF version.)

If you have any questions or comments concerning the attached please contact me. My contact information is listed below.

Thank you very much for your assistance.

Best Regards,

Dawn Greenaway

Dawn C. Greenaway
Sr. Patent Paralegal
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